



City of Beverly Hills
Community Development Department
Planning Division
455 N. Rexford Drive
Beverly Hills, CA 90210
Tel. (310) 285-1141
Fax. (310) 858-5966

Open Air Dining Permit Planning Review Application

Application Overview:

Before submitting a request for an Open Air Dining Permit, the Applicant should thoroughly review this application, as well as the Beverly Hills Municipal Code (BHMC), available online at www.beverlyhills.org/zoning. The Applicant should also consult with City staff that will be involved in reviewing and processing the application, primarily in the Community Development Department. Electronic copies of all Planning Review Applications are available on the City's Planning Division webpage at www.beverlyhills.org/planningapplications.

Applications will not be accepted if they are not fully complete at the time of submittal.

Application Table of Contents:

There are six (6) parts to this application. Each section must be completed in its entirety, and all requirements must be met in order for this application to be accepted for filing.

- ❖ [Section 1](#) – Permit Review Process Overview
- ❖ [Section 2](#) – Property Information & Project Description
- ❖ [Section 3](#) – Owner Authorization & Applicant Team Contact Information
- ❖ [Section 4](#) – Supplemental Questions
- ❖ [Section 5](#) – Public Notice Requirements
- ❖ [Section 6](#) – Submittal Requirements & Checklist

Filing Fee:

See current Planning Department Fee Schedule here:

www.beverlyhills.org/planningapplications or call Community Development at (310) 285-1141.

Appointment & Staff Contact Information:

Please contact staff to schedule an appointment to submit an Open Air Dining application. If you have questions about this application, please call (310)-285-1141, and ask to be directed to Current Planning, or visit the following website for staff contact information: www.beverlyhills.org/contactplanning.

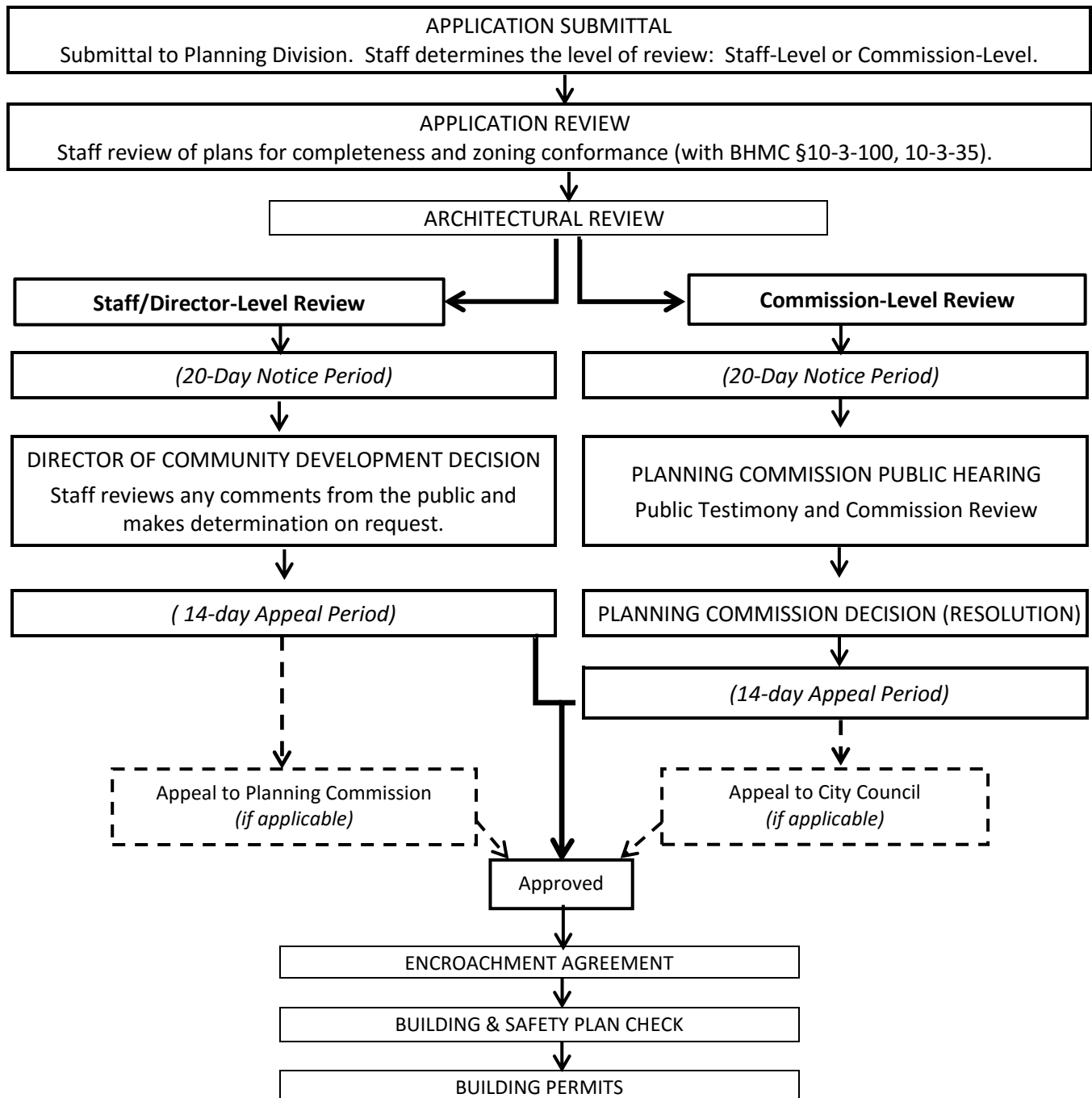
Section 1 – Permit Review Process Overview

Open Air Dining Permit Review Process:

An Open Air Dining Permit is required for any open air dining use established in the public right-of-way or on private property. The majority of Open Air Dining Permit cases are reviewed at the staff level and do not require a public hearing. If the project is located within a Transitional Use Area (170' of an R-1 or R-4 residential zone), and the project includes more than 12 outdoor chairs on private property, then the case must be reviewed by the Planning Commission. Additionally, any application may be forwarded to the Planning Commission for review at the discretion of the Director of Community Development. Where a case requires review by the Planning Commission, the process can be expected to take longer.

After staff determines an application is complete, staff will mail a public notice to nearby residents and property owners notifying them of the project and soliciting comments. After consideration of the project and any public comments received, a decision will be rendered on the Open Air Dining Permit application, based on the applicable review criteria defined in the Code. A Notice of Decision is then mailed to the nearby residents and property owners. Decisions may be appealed to the Planning Commission within 14 calendar days of the action, and Commission level decisions may be appealed within 14 calendar days of the action. Staff may establish conditions that the project must meet in order to maintain its approval.

OPEN AIR DINING REVIEW PROCESS OVERVIEW



Section 2 – Property Information & Project Description

A. Property Information

Project Address: _____

Lot Area: _____ (square feet) Assessor Parcel Number(s): _____

B. Proposed Open Air Dining Information:

Proposed Area: _____ feet x _____ feet = _____ square feet

Area on public right-of-way: _____ square feet

Area on private property: _____ square feet

Total Existing Bar and Dining Floor Area of the Property: _____ square feet*

(*Include tenant spaces on the property that are not a part of the project, if applicable)

Existing Bar and Dining Area: Interior: _____ square feet | Exterior: _____ square feet

Proposed Additional Bar and Dining Area:

Interior: _____ square feet | Exterior: _____ square feet

<u>Proposed Open Air Dining Elements:</u>		
Furniture	Existing	Proposed (Total)
Chairs (Number)		
Tables (Number)		
Umbrellas (Number)		
Railing (Linear Feet)		
Other Furnishings (Type and Number) <i>i.e. Heaters, Planters, Speakers, Lighting</i>		

NOTE: All elements of Open Air Dining are subject to Architectural Review.

Will alcohol be served in the open air dining area? Yes ☐ No ☐

Please note that if alcohol is proposed for the open air dining, a railing is required.

C. Hours of Operation: List the daily hours of operation (when open to the public):

NOTE: If an open air dining area is located within a Transitional Use Area (adjacent to residential properties), the operations are restricted to the following hours: Weekdays: 7AM – 10 PM, Weekends: 9 AM – 10 PM, unless longer hours are approved through an Extended Hours Permit.

D. Parking Requirements

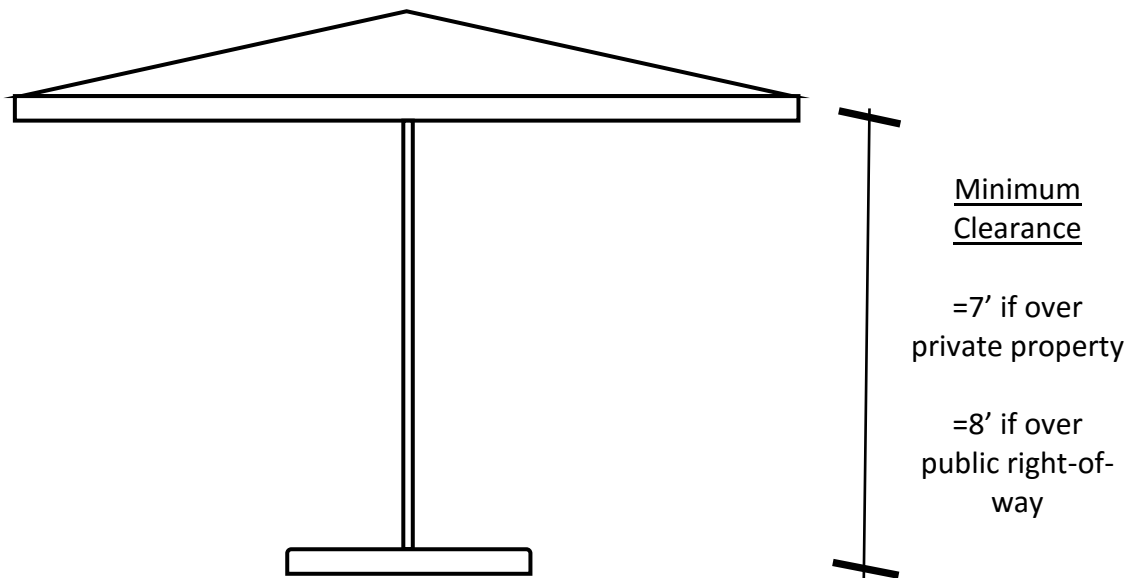
- No additional parking is required for open air dining located in the public right-of-way.
- Additional parking may be required at a rate of either: 1 parking space per 350 square feet or 1 parking space per 45 square feet of bar and dining area on private property.
- The Planning Commission **may** establish different parking requirements for dining areas located on private property if it is determined that:
 - a) The open air dining area will generate a need for parking that is different than the applicable code requirements; or
 - b) The parking needs are to be met by means other than on-site parking.

If you are requesting that different parking requirements apply, please attach a statement as to why either 'a' or 'b' above applies in the space provided below. Please see BHMC §10-3-2730 for additional information regarding parking requirements.

- E. Umbrellas:** Proposed umbrellas must meet the following required minimum clearances for the height of the lowest element (see figure below):

Are umbrellas proposed? Yes ☐ No ☐

NOTE:
*No signage
on umbrellas
is permitted.*



F. Railings: All railings/barriers proposed to separate the dining area from the sidewalk must meet the following standards (check each to confirm compliance):

- ☐ Removable
- ☐ Maximum height of 42 inches
- ☐ Designed for a horizontal lateral load of 50 lbs. per foot applied to the top of the rail
- ☐ Post and Sleeve attachment/installation in the sidewalk
- ☐ Construction includes flush plugs to cover the holes of the sleeves when barrier is removed
- ☐ N/A – No railings/barriers proposed.

G. Railing and Umbrella Combination: If a railing is proposed in conjunction with an umbrella, the combination must meet the individual railing and umbrella standards, and the following (check to confirm compliance):

- ☐ Umbrella must be affixed to the railing
- ☐ N/A – No railing/umbrella combination proposed

H. Accessibility: Open air dining areas must meet accessibility requirements, including but not limited to:

- ☐ Knee Clearance – minimum 30" in width at 27" above the finish floor/ground for a depth of at least 19" (see Figure 1. below)
- ☐ Clear Floor or Ground Space for a wheelchair location – minimum 48" in length and 30" in width (see Figure 2. below)
- ☐ Ingress and Egress Path of Travel – minimum 36" maintained at all times

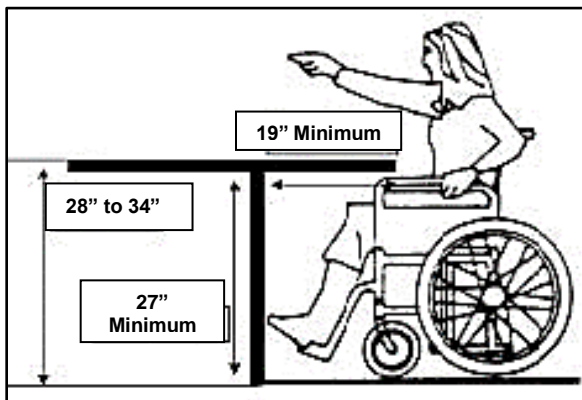


Figure 1. – Minimum Knee Clearance

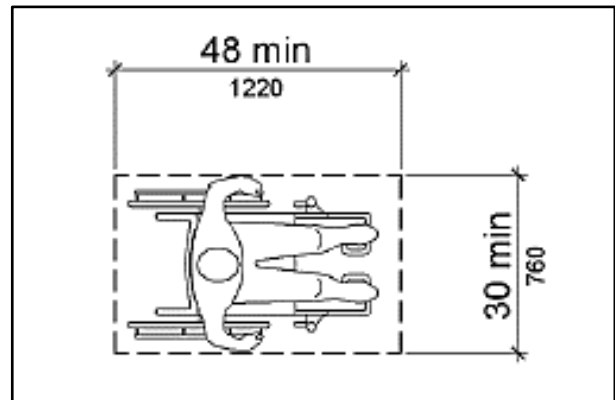


Figure 2. – Clear Floor or Ground Space

Section 3 – Owner Authorization & Applicant Team Contact Information

A. Property Owner Information: ¹

Name(s): _____

Address: _____

City: _____ State & Zip Code: _____

Phone: _____

E-Mail: _____

¹ Ownership Information Requirements:

In order to verify that the property owner has given consent to file this application, the following documentation must be submitted at the time of filing.

- ❖ Grant Deed – This is required if the Los Angeles County Assessor’s Records do not match the current ownership as listed on the application. The deed information should match the property owner as listed above.
- ❖ Letter of Authorization – This is required if the property owner does not sign the application. The property owner may instead provide a signed and dated letter in lieu of their original signature on this form, which must authorize the signatory of this application. Please see [Letter of Authorization Example](#) attached to this application.
- ❖ Ownership Entity Documentation – This is required if the property is owned by an entity rather than an individual. Please provide the applicable required documentation for the type of ownership entity, as shown in the table below.

Ownership Documentation Requirements		
Type of Property Owner	Required Ownership Documentation	Documents that May be Required (If Applicable)
Individual	N/A	Grant Deed, Letter of Authorization
Limited Liability Company (LLC)	Operating Agreement or Articles of Organization	Grant Deed, Letter of Authorization
Corporation	Articles of Incorporation, Bylaws, and/or Meeting Minutes	Grant Deed, Letter of Authorization
Limited Partnership (LP)	Partnership Agreement	Grant Deed, Letter of Authorization
Trust	Trust Instrument	Grant Deed, Letter of Authorization

Property Owner Signature:

Choice of Law. This document shall be deemed to have been made in the State of California and shall be construed, and the rights and liabilities of the parties determined, in accordance with the laws of the State of California.

I hereby certify under penalty of perjury under the laws of the State of California that I am the owner(s) of the subject property, or have been authorized to sign on behalf of the property owner, and consent to the filing of this application on the above-referenced property.

Executed on this _____ (Day) of _____ (Month) of 20____ (Year)

in _____ (City), _____ (State).

Dated: _____

BY: _____
(Signature)

(Title, Company)

BY: _____
(Printed Name)

Additional Owner Signature (if applicable):

Dated: _____

BY: _____
(Signature)

(Title, Company)

BY: _____
(Printed Name)

Please indicate the role of the signatory(ies) above:

Owner ☐ Applicant ☐ Agent/Representative ☐

If the owner did not sign above, is a Letter of Authorization provided*?

Yes ☐ No ☐

***Please note that a Letter of Authorization is required when the property owner does not sign this application, but instead has another individual sign on their behalf. See [Letter of Authorization Example](#) at the end of this application for reference. Please also note that if this application will be heard by the Planning Commission or City Council, the property owner will be required to record a Covenant & Agreement to accept the conditions of approval, if applicable.**

B. Applicant Information *[Individual(s) or entity benefitting from the entitlement]*

(Only provide if different from Property Owner)

Name(s): _____
Address: _____
City: _____ State & Zip Code: _____
Phone: _____
E-Mail: _____

C. Agent/Representative Information *[Individual acting on behalf of the Applicant]*

Name(s): _____
Company/Firm: _____
Address: _____
City: _____ State & Zip Code: _____
Phone: _____
E-Mail: _____

D. Please indicate who will be the main point of contact for the project:

Owner ☐ Applicant ☐ Agent/Representative ☐ Architect ☐

Section 4 –Supplemental Questions

Are there any outstanding Code Enforcement citations on the property?

Yes ☐ No ☐ If yes, please attach copies.

Are there any recorded easements or encumbrances on the property?

Yes ☐ No ☐ If yes, please attach copies. Show easements on survey plan.

Section 5 – Public Notice Requirements

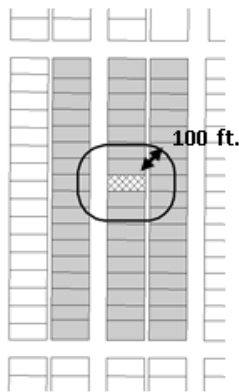
The public notice requirements for all planning applications are located in the Beverly Hills Municipal Code §10-3-2.5. The Public Notice Guidelines (www.beverlyhills.org/publicnotice) document contains more detailed information about fulfilling the noticing requirements for applications. It is recommended that Applicants reference these Guidelines.

NOTE: Please note, mailed notices must be sent to all properties on any block-face intersected by the notification radius. The following notice information is required for Public Noticing of an Open Air Dining Permit:

RADIUS MAPS

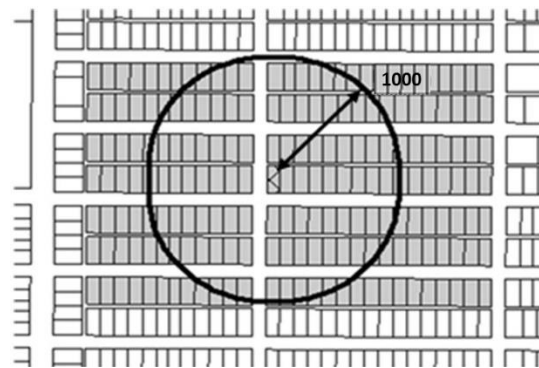
- ❖ **Two (2) copies** of a map showing the appropriate radius around the subject site and number each parcel touched by that radius consecutively. Include all the adjacent lots that the radius line touches. **All ground floor businesses within 50' of the project site must be included in all public notice mailings.** Open Air Dining Permit applications can be considered at either the Staff Level or Commission Level, for which the respective radii are listed below. See the illustration below (Noticed properties are shaded):

Staff/Director-Level Review:



Required Mailing: 100' Radius + Block-Face

Commission-Level Review:



Required Mailing: 1000' Radius + Block-Face

MAILING LABELS

- ❖ **Two (2) sets** of mailing labels with the names and addresses of all property owners and occupants of properties identified in the radius map, as well as ground floor businesses within 50' of the project site. (PROPERTY OWNER INFORMATION MUST BE OBTAINED FROM THE MOST CURRENT LOS ANGELES COUNTY TAX ASSESSOR'S ROLL). If the project is Commission-Level, **one (1) set** of mailing labels is required.
- ❖ Labels must be dated within 6 months from the date that the mailed notice is sent. If the mailed notice is sent outside of this period, please note that updated labels may be required.
- ❖ Labels must be numbered to correspond to the assigned numbers on the radius map.
- ❖ Labels must be on 8.5" by 11" self-adhesive sheets.
- ❖ DO NOT abbreviate city names (U.S. Postal Service Request).
- ❖ Provide a CD containing the mailing label information in Excel format.

MAILED NOTICE AFFIDAVIT

- ❖ Complete and sign statement that the labels and maps are complete and current (see [Mailing Affidavit](#) at end of application).

POSTED NOTICE AFFIDAVIT

- ❖ Post the Notice of Intent to File for an Open Air Dining Permit on project site (see [Notice of Intent](#) form at end). Complete and sign the affidavit stating that the Notice of Intent to File has been posted on-site (see [Posted Notice Affidavit](#) at end). Evidence of posting: please submit photos of the Notice of Intent to File for an Open Air Dining Permit both up close and in context.

Section 6 – Submittal Requirements & Checklist

Architectural Plans Required:

- **Staff/Director-Level Review: three (3) 11"x 17" sets** of architectural plans are required.
- **Planning Commission Review: ten (10) 11"x 17" sets** of architectural plans are required for initial submittal. **Please note that additional sets at a larger size (12"x 18" or 18"x 24" or 24"x 36") may be requested by the Planner.*
 - **All plan sets** must be stapled, **drawn to scale**, and legible.
 - **All plan sheets** must include an architect title block, a graphic scale, the owner's or authorized agent's name, address, and telephone number, the project address, and a North Arrow.
 - The following plans in the checklist must be included in the architectural plan set. *Inconsistency between drawings, renderings, materials, etc., will be considered an incomplete submittal. Only complete applications will be accepted for filing.*

NOTE: All plans must be printed to scale and be legible.

Applicant
Checklist

Staff
Verification

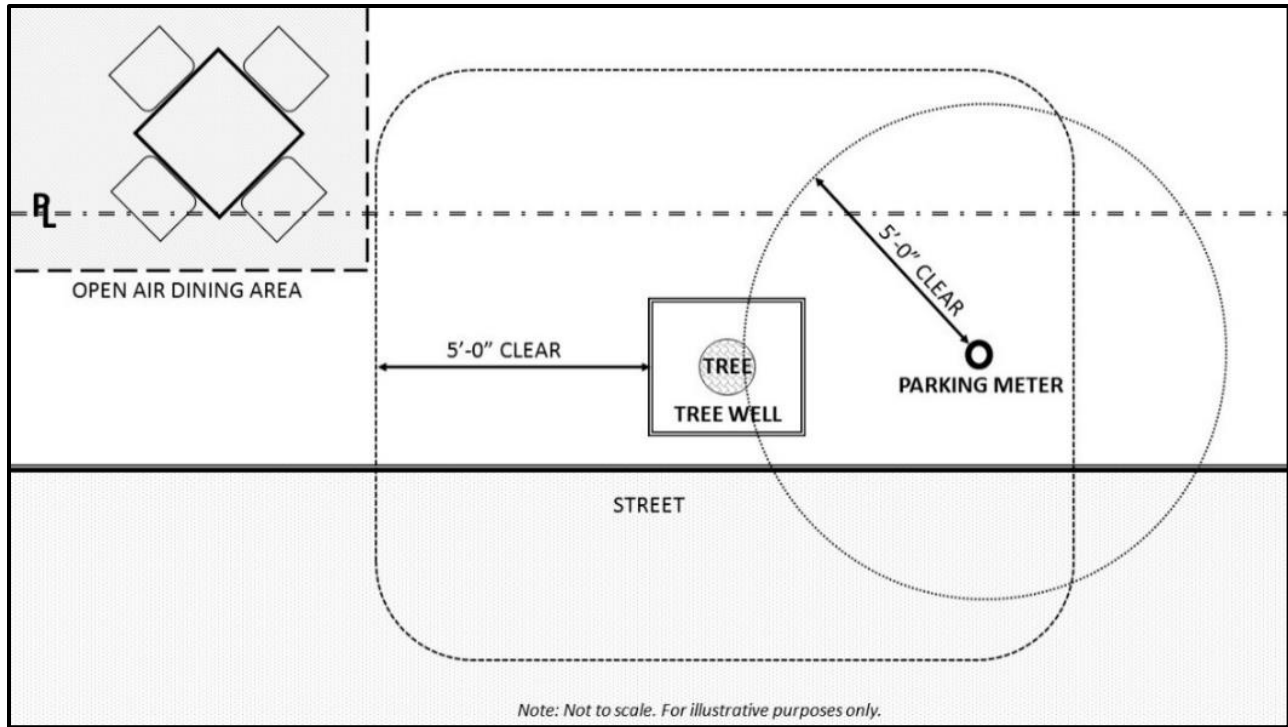
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PLOT PLAN:

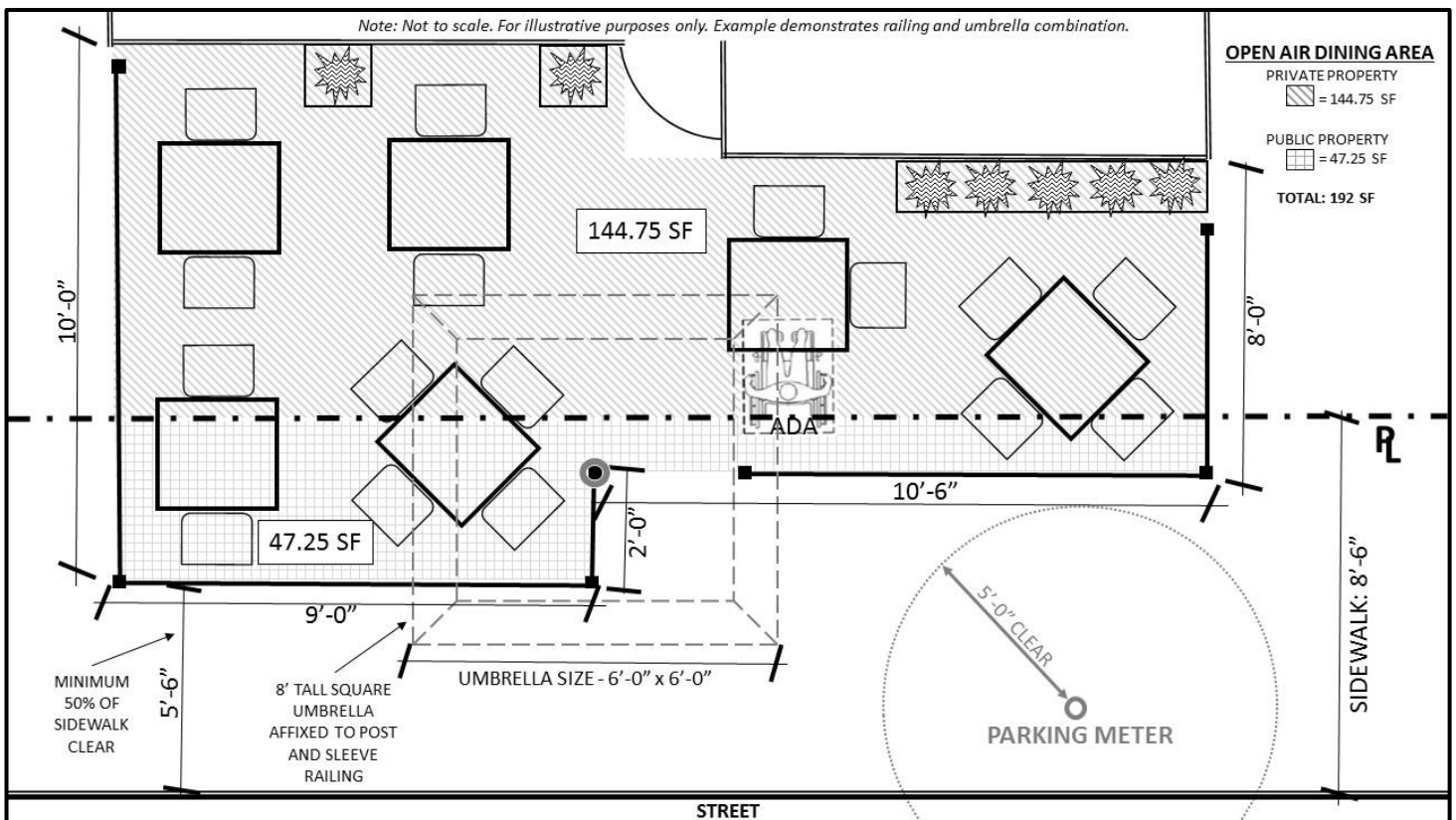
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- Show entire parcel (indicate square footage of property) and label all property lines.
- Include labels and dimensions for all existing and proposed structures including railings, fences, and umbrellas.
- Show code-required setbacks (front, sides and rear).
- Parking spaces required and provided.
- Indicate location and width of sidewalks.
- Show location of any public or private easements, curb cuts, and any obstructions in the public right-of-way, including utilities, tree wells, light fixtures, benches, parking meters, street trees, street lights, traffic lights, trash cans, mail boxes, bike racks, valet stands, or other impediments that might affect or be affected by the proposal.
 - A minimum 5' clearance is required in the public right-of-way around all obstructions. Draw a 5' radius around each obstruction (see Obstruction Radius Example below).
 - Label the width of the sidewalk and show a minimum of fifty percent (50%) of the sidewalk width has been reserved for pedestrians as part of the public right-of-way, and will remain unobstructed by elements of the proposed outdoor dining area.
- If there are multiple tenant spaces located on the subject property, show square footages of all spaces.
- Show dashed line around proposed furniture to generally outline the area that will be utilized for dining, and dimension as a rectangle. Determine and note the square footage of the area if no railing is proposed.
- See Open Air Dining Diagram Example below for a railing and umbrella combination.

Obstruction Radius Example



Open Air Dining Diagram Example



- | | | |
|--------------------------|--|--------------------------|
| <input type="checkbox"/> | TRANSITIONAL USE LICENSE: | <input type="checkbox"/> |
| | <ul style="list-style-type: none">• All businesses within 170' of a residential zone must submit or maintain with the City a Transitional Use License (www.beverlyhills.org/planningapplications).• Check if not applicable - <input type="checkbox"/>. | |
| <input type="checkbox"/> | FLOOR PLANS: | <input type="checkbox"/> |
| | <ul style="list-style-type: none">• Provide fully dimensioned existing and proposed floor plan of the restaurant.• Include ingress/egress to the restaurant.• Show the interior layout of the adjacent restaurant, including seating arrangements, back of house, and food preparation areas.• In case of a remodel, include a demolition plan. | |
| <input type="checkbox"/> | ELEVATIONS: | <input type="checkbox"/> |
| | <ul style="list-style-type: none">• Show elevations of the outdoor dining area to scale at the same elevation as the sidewalk.• Label existing structures to remain and the proposed structures and furniture.• Indicate the height of all structures and furniture.• Show the location of exterior light fixtures to scale.• Show all proposed signage, to scale.• Show adjacent structures on neighboring properties. Include any existing doorways and outdoor dining areas. Indicate heights and distances between adjacent structures and the proposed open air dining area. | |
| <input type="checkbox"/> | ARCHITECTURAL REVIEW REQUIREMENTS: | <input type="checkbox"/> |
| | <ul style="list-style-type: none">• All open air dining applications are subject to Architectural Review if changes will be visible from the public right-of-way. Please complete the Architectural Review Application attached to this packet).• Provide industry tear sheets for the exact furniture being proposed are required for the Architectural Review to be completed. They must illustrate the materials, colors, design, and dimensions of proposed tables, chairs, umbrellas, railings, and all other furniture. | |
| <input type="checkbox"/> | PHOTOGRAPHS: | <input type="checkbox"/> |
| | <ul style="list-style-type: none">• The applicant shall outline the perimeter of the proposed outdoor dining area on the sidewalk in front of the existing restaurant with removable tape, and provide photographs of the full dining area to assist staff and the public in visualizing the project in relation to the storefront and sidewalk.• Provide photos of the posted notice, both close-up and in context. | |

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CERTIFICATE OF INSURANCE:

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- All applicants must hold and maintain a minimum insurance coverage of \$2,000,000 general liability for each occurrence, \$2,000,000 aggregate, and \$1,000,000 in worker's compensation in conjunction with the operation of open air dining on public property.
- The City of Beverly Hills must be listed as the "Certificate Holder" or "Additional Insured" on the insurance policy. An example Certificate of Insurance is available here: <http://www.beverlyhills.org/CertificateofInsurance>.

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ADDITIONAL INFORMATION:

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Staff may require additional information in order to process the application. Please consult with staff prior to submittal to determine if additional information is required. Additional information may include, but is not limited to:

- Traffic Study
- Parking Study
- Noise Study
- Light Study
- Additional Environmental Review
- Landscape Plan
- **Public Health Inspection:** Approval from the Los Angeles County Department of Public Health's Environmental Health Division may be required for any outdoor seating areas in order to begin operating. More information is available at <http://publichealth.lacounty.gov/eh/> or by telephone at (213) 351-7896.
- **Alcohol:** No alcohol service is permitted unless approval is obtained from the California Department of Alcoholic Beverage Control (ABC). Obtain more information via email at igw.direct@abc.ca.gov or by telephone at (310) 412-6311.
- **Fees:** Please note that applicants must pay the following additional fees upon approval:
 - A one-time sewer fee based on the number of approved seats is required by Los Angeles County. These fees vary, but typically cost \$200-\$300 per seat.
 - An ongoing monthly rental fee that will be assessed annually on a square-foot basis for use of public property (please note: the 1st year's rent is included in the submittal fees).
 - If the project includes a railing or barrier, a refundable sidewalk restoration guarantee deposit is required to cover potential City costs related to removal of the outdoor dining area and sidewalk repairs. The deposit is \$2,500 for up to 150 square feet of dining area and \$10 for each additional square foot.
 - Standard application fees are available in the City's fee schedule at www.beverlyhills.org/planningapplications.

Mailing List Affidavit

MAILING LIST AFFIDAVIT

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF BEVERLY HILLS)

Level of Review (Check One):

- ☐ Staff/Director Level (Notice: 100' plus block face)
☐ Planning Commission (Notice: 1000' plus block face)

I, _____, hereby certify that, to the best of my knowledge and under penalty of perjury, the attached Ownership List correctly shows the names and addresses of all persons to whom all property is assessed, as they appear on the most current Los Angeles Tax Assessor's roll, within the area described on the attached application and for a distance of _____ feet extended out the block face from the exterior boundaries of the property described on the attached application.

I further certify that, if required pursuant to the attached application, the attached Occupants List reflects all residential addresses within _____ feet extended out the block face from the exterior boundaries of the property described on the attached application that are not owner occupied.

I further certify that, if required pursuant to the attached application, the attached Occupants List reflects all ground floor business occupants within **fifty feet (50')** of the exterior boundaries of the property described on the attached application that are not owner occupied.

I certify under penalty of perjury that the foregoing is true and correct.

Signed

Date

Posted Notice Affidavit

POSTED NOTICE AFFIDAVIT

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF BEVERLY HILLS)

I, _____, under penalty of perjury state: That on

the _____ of _____, 20_____, I personally caused a Notice of Intent to File
 (Day) (Month) (Year)

for an Open Air Dining Permit, to be posted at the following place within said State, County, and City, to wit:

_____.

I certify under penalty of perjury that the foregoing is true and correct.

Attach proof of posting.

Signed

Date

Letter of Authorization Example

[OWNERSHIP ENTITY LETTERHEAD]

[ADDRESS]

Date: _____

City of Beverly Hills
Community Development Department
Planning Division
455 N. Rexford Drive
Beverly Hills, CA 90210

To Planning Division Staff:

This letter is to verify that _____ (Name of Agent/Representative), _____, _____ (Company),(Title) is hereby authorized to sign and complete Planning Review Applications as required by the City of Beverly Hills Community Development Department, on behalf of the Owner, _____ (Name of Owner), _____, _____ (Company),(Title) of the real property located at _____ (Address), which is legally described as _____ (Tract, Lot(s), Block(s)).

By signing this form, I hereby declare (*choose one*):

☐ I am the owner of record of the aforementioned real property.

OR

☐ I have been empowered to sign on behalf of the ownership entity, _____

(Entity Name), as the _____ (Title), as evidenced by the attached documents (*attach applicable required ownership documentation as shown in the table on page 8 of this application*).

By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

Signature: _____ Print Name: _____

Title, Entity: _____, _____

**CITY OF BEVERLY HILLS
ADMINISTRATIVE ARCHITECTURAL REVIEW APPLICATION**

Project Address: _____

Project Name (business or building): _____

Project Description: _____

(Please check as many boxes below as apply/attach sheets if needed for full description.)

FAÇADE REMODELS/NEW STRUCTURES/ADDITIONS

☐ New construction or increases in floor area: Total NEW floor area (sq. ft.) _____

☐ Remodeling of exterior (no floor area): ☐ facade ☐ sides, rear, roof

SIGNS

☐ Signs: Dimensions (height x length) _____ x _____ = (area in square feet) _____

Dimensions (height x length) _____ x _____ = (area in square feet) _____

Dimensions (height x length) _____ x _____ = (area in square feet) _____

Total number of signs requested: _____

☐ Sign Accommodation/Unified Sign Plan

OTHER

☐ Awnings: ☐ New ☐ Recovery ☐ w/signs (letter height in inches: _____)

☐ Landscape (including planter boxes) ☐ Conformity Review

☐ Painting/stucco (**NO FEE**): ☐ repainting OR restucco ☐ no color change

☐ Revision to existing approval (check one): ☐ Staff ☐ Commission

☐ Open Air Dining: ☐ Tables ☐ Chairs ☐ Umbrellas ☐ Railings ☐ Other feature: _____

Property Owner

Name: _____

Address: _____

City: _____

State & Zip Code: _____

Phone: _____

*E-Mail: _____

(*Required for e-mail notification of project status)

Applicant or Agent

Name: _____

Address: _____

City: _____

State & Zip Code: _____

Phone: _____

E-Mail: _____

I have read and understand all statements. I hereby declare (affirm) that the foregoing statements, facts, and attached plans and materials are true and correct.

Signature of Property Owner or Authorized Agent

Date

(If NOT property owner, a Letter of Authorization will be required before processing the application.)



NOTICE

INTENT TO FILE FOR AN OPEN AIR DINING PERMIT

This is to give notice of the intent of the owner of this business to seek an Open Air Dining Permit for:

- ☐ Seating of up to 12 chairs
- ☐ Seating for more than 12 chairs
- ☐ Permanent railing enclosure

The application will be processed by:

Community Development Department - Planning Division
455 North Rexford Drive, Beverly Hills, California 90210.

Name of Business

Date

For more information: (310) 285-1141, www.beverlyhills.org/planning